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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 A. M.,

9 Plaintiff,

10 v.

11 VALVE CORPORATION,

12 Defendant.

C16-1166-TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's motion in limine, docket no. 92, is GRANTED in part, DENIED
16 in part, and DEFERRED in part as follows:

17 A. Motion in Limine No. 1 to instruct all counsel and witnesses to use
18 female pronouns when referring to Plaintiff by pronoun and not to use Plaintiff's former
19 male name is GRANTED.

20 B. Motion in Limine No. 2 to preclude all evidence of or references to
21 Plaintiff's current and former addresses and redact her address from any exhibits
22 admitted at trial is GRANTED.

23 C. Motion in Limine No. 3 to exclude all witnesses from the courtroom
until called to testify is GRANTED.

D. Motion in Limine No. 4 to preclude all evidence of or references to
any offers of compromise under Federal Rule of Evidence 408 is GRANTED.

1 E. Motion in Limine No. 5 to preclude all evidence of or references to
2 other lawsuits, claims, or incidents involving Plaintiff is DEFERRED to the pretrial
conference.

3 F. Motion in Limine No. 6 to preclude all evidence of or references to
4 Plaintiff's alienage or immigration history and status is DENIED.

5 G. Motion in Limine No. 7 to preclude all evidence of or references to
6 testimony regarding marital history and status is DENIED.

7 H. Motion in Limine No. 8 to preclude all evidence of or references to
8 the specific details of Plaintiff's gender transition, including the number, type and
9 description of surgeries and procedures she underwent is DEFERRED to the pretrial
conference.

10 I. Motion in Limine No. 9 to preclude all evidence of or references to
11 any alleged personality disorder diagnosis, unconfirmed MCMI hypotheses, and
speculation relating to secondary gain is DENIED.

12 J. Motion in Limine No. 10 to preclude Defendant's Proposed Trial
13 Exhibit A-55 (Dr. Greenspan's Expert Report) Medical Records of Ivan Greenspan PsyD,
14 QME [IG000001-106] is DEFERRED to the pretrial conference.

15 K. Motion in Limine No. 11 to preclude all evidence of or references to
16 after-acquired information and after-the-fact justification for Plaintiff's termination that
17 was not considered by Ms. Nelson at the time she decided to terminate is DEFERRED to
the pretrial conference.

18 L. Motion in Limine No. 12 to preclude Defendant's Proposed Trial
19 Exhibit A-54 Spreadsheet Regarding AM Work Hours [not numbered] is DEFERRED to
the pretrial conference.

20 M. Motion in Limine No. 13 to preclude all evidence of or references to
21 Defendant's proposed trial exhibits containing hearsay and hearsay within hearsay is
22 DEFERRED to trial.

23 N. Motion in Limine No. 14 to preclude all evidence of or references to
Plaintiff's full name is DENIED.

(2) Defendant's motion in limine, docket no. 91, is GRANTED in part,
DENIED in part, and DEFERRED in part as follows:

A. Motion to preclude all evidence of or testimony concerning
Plaintiff's claims to recover pursuant to Cal. Bus. & Prof. Code §17203, lost or unpaid
benefits is DEFERRED to the pretrial conference. The parties should be prepared to

1 discuss the nature and extent of any alleged claims and whether expenses recoverable
2 under §17203 are equitable and must be decided by the Court. See Espejo v. Copley
Press, Inc., 13 Cal. App. 5th at 329, 367 (2017).

3 B. Motion to preclude all evidence of or testimony concerning
4 Plaintiff's request for a statutory penalty for wages withheld is DENIED (sixth claim for
5 alleged failure to timely tender her overtime pay pursuant to Cal. Labor Code §203 with
6 penalty up to 30 days payment); GRANTED to the extent Plaintiff seeks to introduce
7 evidence or recover for misclassification under the sixth claim. Plaintiff's eighth claim
8 for misclassification under Cal. Labor Code §226.8 was dismissed by the Court.

9 C. Motion to preclude all evidence of or testimony that does not relate
10 to or rebut purported discriminatory animus by Torsten Zabka or the four other Valve
11 employees whose discussions led to Valve's decision to terminate its work with Plaintiff
12 in January 2016 is DEFERRED to the pretrial conference.

13 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
14 record.

15 Dated this 10th day of October, 2017.

16 William M. McCool
17 Clerk

18 s/Karen Dews
19 Deputy Clerk